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February 28, 2003

VIA HAND DELIVERY

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Mr. Frank T. Sanders
Director, Antimicrobials Division
U.S. Environmental Protection Agency
1921 Jefferson Davis Highway
Crystal Mall, Room 308
Arlington, VA 22202

Re: Creosote

Dear Mr. Sanders:

In accordance with recent telephone conversations between Connie Welch and me, I am enclosing the Creosote Council's comments on the Antimicrobials Division's January 2003 draft preliminary risk assessment on creosote. The comments are comprised of a Summary of Comments prepared by the Council's Technical Advisor, John Butala, and appended reports prepared by Robert G. Tardiff of The Sapphire Group, Inc., Mark D. Bookbinder, Kenneth M. Brooks of Aquatic Environmental Sciences, and Stephen T. Smith of AquAeTer, Inc.

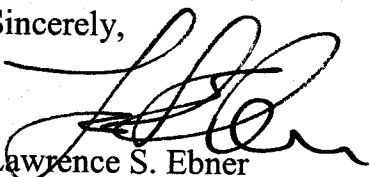
The Creosote Council has not designated any portion of its comments as "Confidential Business Information" ("CBI"). We do wish to confirm our understanding, however, that the Antimicrobials Division will not release the comments to the public until such time as it reviews and evaluates the comments, prepares a written response to the comments, revises the draft preliminary risk assessment in accordance with the comments and response, and releases the revised preliminary risk assessment to the public. We further understand that such public release will not occur prior to the meeting between Creosote Council representatives and Antimicrobials Division scientists scheduled for Tuesday, April 8, 2003. If our understanding is incorrect in any manner, please advise me immediately.

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The Creosote Council will provide you with a proposed agenda and list of attendees prior to the April 8 meeting. In the interim, while the Creosote Council would be pleased to answer any specific questions regarding the substance of the comments, all such inquiries should be directed to Mr. Butala.

In addition to the comments that the Creosote Council is submitting today, please recall that by letter dated May 31, 2002, the Creosote Council provided to you and your colleagues a comprehensive written response to the NCAMP administrative cancellation/suspension "petition" on creosote. In pertinent part, that response and its attachments discussed the substantial body of scientific evidence regarding human and environmental risks of creosote and creosote-treated wood products. We previously requested you to include the Creosote Council's response (including attachments) in the RED bibliography. Since the Creosote Council's response is not referenced in the current EPA draft science chapters, we again make this request.

Sincerely,



Lawrence S. Ebner
Attorney for Creosote Council

LSE/py

Enclosure(s)

cc: Connie B. Welch
Jack E. Housenger
Benjamin C. Chambliss
Bonaventure Akinlosotu